

REMARKS

Reconsideration and allowance of this application are respectfully requested. Claims 1-10 remain in this application of which claims 7-10 are allowed. Claims 1-6, as amended herein, are submitted for Examiner's reconsideration.

In the Office Action, claims 1-4 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hite (U.S. Patent No. 5,805,975) in view of "The Authoritative Dictionary of IEEE Standard Terms", 7<sup>th</sup> Ed, pages 574-575. Applicants submit that the claims are patentably distinguishable over the cited references.

For example, claim 1 as amended calls for:

main control means, compatible with each one of the plurality of different kinds of transmission media, for receiving a request for a particular program or channel, for indirectly controlling said signal processing means based on the request by generating a control command that is independent of each one of the plurality of different kinds of transmission media, a reception zone where said receiving and demodulating means is used, and the hardware structure of said signal processing means, and for transmitting the control command to said receiving and demodulating means using a predefined command set defined by a common communication protocol[.] (Emphasis added.)

Neither the relied-on sections of Hite nor the relied-on section of "The Authoritative Dictionary of IEEE Standard Terms" disclose or suggest main control means compatible with each one of a plurality of different kinds of transmission media, and neither the relied-on sections of Hite nor the relied-on section of "The Authoritative Dictionary of IEEE Standard Terms" disclose or suggest indirectly controlling a signal processing means. Moreover, neither the relied-on sections of Hite nor the relied-on section of "The Authoritative Dictionary of IEEE Standard Terms" disclose or suggest a control command that is independent of each one of a plurality of different kinds of

transmission media, neither the relied-on sections of Hite nor the relied-on section of "The Authoritative Dictionary of IEEE Standard Terms" disclose or suggest a control command that is independent of a reception zone where said receiving and demodulating means is used, and neither the relied-on sections of Hite nor the relied-on section of "The Authoritative Dictionary of IEEE Standard Terms" disclose or suggest a control command that is independent of a hardware structure of a signal processing means.

The Examiner contends that Hite discloses the main control means set out in the above excerpt of claim 1 and refers to the remote control receiver 590 shown in Fig. 5 and to column 10, lines 60-67. However, as the Examiner acknowledges, Fig. 5 shows a set top box in which a tuner 506 receives and an in band data extractor 538 processes a signal that is sent over a cable 502, namely, a signal that is sent over a particular transmission medium. Though the relied on section of Hite also describes a remote controller that emits signals to a remote control receiver and that the signals may be infra-red, radio frequency, or acoustic signals, such signals are not received by the tuner and are not processed by the in band data extractor. Rather, the infra-red, radio frequency, and acoustic signals are directed to the remote control receiver. Hence, a person of ordinary skill in the relevant art, relying on the teachings of Hite, would not look to replace the signals sent over the cable with infra-red, radio frequency, or acoustic signals. The relied on sections of Hite do not disclose or suggest a plurality of different kinds of transmission media in the manner defined in claim 1, and therefore the relied on sections of Hite do not disclose or suggest a control command that is independent of each one of a plurality of different kinds of transmission media.

Additionally, the relied on sections of Hite do not disclose or suggest that the remote control receiver generates a control command that is independent of a reception zone where the set top box is used. Further, the relied on sections of Hite do not disclose or suggest that the remote control receiver generates a command that is independent of the hardware structure of the tuner and the in band data extractor.

The cited section of "The Authoritative Dictionary of IEEE Standard Terms" does not address the deficiencies of the relied-on sections of Hite.

For at least the above reasons, it follows that neither the relied-on sections of Hite nor the relied-on section of "The Authoritative Dictionary of IEEE Standard Terms", whether taken alone or in combination, disclose or suggest the receiving apparatus defined in claim 1, and claim 1 is therefore patentably distinct and unobvious over the relied-on references.

Claims 2-4 depend from claim 1 and are distinguishable over these references for at least the same reasons.

Claims 5-6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hite in view of "The Authoritative Dictionary of IEEE Standard Terms" and further in view of Na (U.S. Patent No. 6,366,731). Applicants submit that the claims are patentably distinguishable over the cited references.

Claim 5 depends from claim 1 and is distinguishable over the relied-on sections of Hite and "The Authoritative Dictionary of IEEE Standard Terms" for at least the same reasons.

Independent claim 6 calls for features similar to those set out in the above excerpt of claim 1. Claim 6 is therefore distinguishable over the relied-on sections of Hite and "The Authoritative Dictionary of IEEE Standard Terms" at least for the same reasons.

The relied-on section of Na does not remedy these

deficiencies.

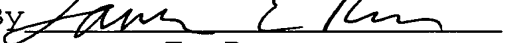
Applicants therefore respectfully request the withdrawal of rejections under 35 U.S.C. § 103(a).

As it is believed that all of the rejections set forth in the Official Action have been fully met, favorable reconsideration and allowance are earnestly solicited. If, however, for any reason the Examiner does not believe that such action can be taken at this time, it is respectfully requested that the Examiner telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which the Examiner might have.

If there are any additional charges in connection with this requested amendment, the Examiner is authorized to charge Deposit Account No. 12-1095 therefor.

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Respectfully submitted,

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